SURPLUS PROPERTY ADMINISTRATION

PART 8316—SURPLUS AIRPORT PROPERTY

§ 8316.1 Definitions.

§ 8316.2 Declaration of policy.

§ 8316.3 Surplus airport disposal committee.

§ 8316.4 Declarations.

§ 8316.5 Disposals after notice of transmittal.

§ 8316.6 Withholds.

§ 8316.7 Permissive use by other Government agencies.

§ 8316.8 Disposal of leasehold interests and improvements by owning agencies.

§ 8316.10 Requests for use and disposition.

§ 8316.11 Functions of the Civil Aeronautics Administration.

§ 8316.12 Classification of property by administrator.

§ 8316.13 Disposal as airport property subject to reservations, restrictions, and conditions.

§ 8316.14 Care and handling.

§ 8316.15 Fixtures.

§ 8316.16 Permit to operate or use.

§ 8316.17 Valuation.

§ 8316.34 Purpose.

§ 8316.35 Submission to Attorney General.

§ 8316.36 Form of transfer.

§ 8316.37 Conditions in instrument of transfer.

§ 8316.38 Records and reports.

§ 8316.39 Regulations by agencies to be reported to the administrator.

§ 8316.40 Exemptions.


§ 8316.1 Definitions.

(a) "Definitions."—(1) Terms defined in act. Terms not defined in section 6 of this act are: Airport property means the entire property owned by the Government in any airport.

(b) "Airport"—means any area of land or water and the improvements thereon used or intended to be used, or determined by the Administrator to be suitable for use for or in connection with the landing and take-off of aircraft.

(c) "Building area"—means any building, structure, or part thereof necessary for, or in connection with the operation and maintenance of an airport.

(d) "Landing area"—means any land, or combination of water and land, together with improvements thereon and necessary operational equipment used in connection therewith, which is used for landing, take-off, and parking of aircraft.

(e) "Non-airport facilities"—means all buildings, structures, improvements, and equipment, located in a building area and used in connection with but not required for the efficient operation and maintenance of the landing area or the airport facilities.

(f) "State or local government" means any State, territory, or possession of the United States, the District of Columbia, and any political subdivision or instrumentality of the United States.

(g) "Surplus airport property" means any airport property which has been determined to be surplus to the further needs and responsibilities of the owning agency in accordance with the act.

§ 8316.3 Declaratory Policy. This part applies to surplus airport property located within the continental United States, its territories and possessions.

§ 8316.4 Declaratory policy. It is hereby declared that the national interest requires the disposal of surplus airport property in such a manner and upon such terms and conditions as will encourage and foster the development of civil aviation and provide and preserve for civil aviation and national defense purposes a strong, efficient, and properly maintained nationwide system of public airports, and that such competition and will not result in monopoly. It is further declared that in making such disposals of surplus airport property the benefits which the public and the Nation will derive therefrom must be the principal consideration and the financial return to the Government a secondary consideration.

§ 8316.5 Disposals after notice of transmittal. After the owning agency receives notice of transmittal to a disposal agency of a declaration of surplus airport property, communications of the owning agency with respect to such airport property shall be addressed to the disposal agency, except where communications with the Administrator are required hereunder.

§ 8316.6 Withdrawals. If the owning agency withdraws a declaration of surplus airport property before it has received notice of the transmittal of the declaration to the disposal agency, or if the disposal agency withdraws a declaration of surplus airport property, communications of the owning agency with respect to such airport property shall be addressed to the disposal agency, except where communications with the Administrator are required hereunder.

§ 8316.7 Permissory use by other Government agencies. When a Government agency utilizes Government-owned real property for or in connection with an airport, under some form of arrangement with the Government agency having primary jurisdiction over the property, no lessee needs the property for airport purposes, such real property and any interest therein shall be returned to the agency having primary jurisdiction in accordance with the arrangement made.

§ 8316.8 Declaratory policy.

(a) Pursuant to arrangements made with other interested Government agencies, there is hereby established a Surplus Airport Disposal Committee, which shall function as an advisory committee to the Surplus Property Administrator and shall consist of five members, one to be designated by the Secretary of War, one by the Secretary of the Navy, one by the Administrator of the Civil Aeronautics Administration, one by the disposal agency, and one by the Surplus Property Administrator, who shall serve as Chairman of the Committee.

(b) It shall be the duty of the Surplus Airport Disposal Committee to advise the Surplus Property Administrator as to the manner in which and the conditions upon which the disposal agency should be authorized to dispose of particular airport properties, and as to all other matters upon which advice may be desired by the Administrator.

§ 8316.9 Declarations. (a) Declarations of surplus airport property including lands, improvements, and buildings thereon by any other Government agency, which, under the terms of the act, are similar rights of occupancy not cancelled by the owning agency pursuant to § 8316.8, hereof, shall be filed with the Surplus Property Administrator and provided in Part 8316.1. The Administrator will transmit two copies of the declaration to the appropriate disposal agency with directions, and will notify the owning agency thereof.

§ 8316.10 Communications after notice of transmittal. After the owning agency receives notice of transmittal to a disposal agency of a declaration of surplus airport property, communications of the owning agency with respect to such airport property shall be addressed to the disposal agency, except where communications with the Administrator are required hereunder.

§ 8316.11 Withdrawals. If the owning agency withdraws a declaration of surplus airport property before it has received notice of the transmittal of the declaration to the disposal agency, or if the disposal agency withdraws a declaration of surplus airport property, communications of the owning agency with respect to such airport property shall be addressed to the disposal agency, except where communications with the Administrator are required hereunder.

§ 8316.12 Permissory use by other Government agencies. When a Government agency utilizes Government-owned real property for or in connection with an airport, under some form of arrangement with the Government agency having primary jurisdiction over the property, no lessee needs the property for airport purposes, such real property and any interest therein shall be returned to the agency having primary jurisdiction in accordance with the arrangement made.

Where, however, the property has been substantially improved while being so utilized, the agency utilizing the property shall make a report of the事实 to the Administrator for his determination as to the disposition of the improvements, and such report shall be treated as a declaration of surplus as to such improvements.
8316.9 Disposal of leasehold interests and improvements by owners agencies. 
(a) At any time after thirty (30) days prior notice to the Surplus Airport Disposal Committee, no objection thereto having been made by such committee, an owning agency may dispose of airport property in the manner provided in this section without declaring it surplus; provided such property is held only under lease or other similar right of occupancy which is for the duration of the work to construct the national exercise from the months thereafter, or for an unexpired period of not more than twelve months and has no renewal or purchase privilege.
(b) Any such leasehold interest or leasehold interest otherwise than as aforesaid, or a right of occupancy, if terminated or cancelled by the owning agency and any Government-owned improvements disposed of by any one or more of the following methods:
(1) By transfer to the owner or the owner of the premises in full or partial satisfaction of any obligation to remove the premises and the improvements thereon or to pay for any excess value.
(2) By deposit in accordance with contractual commitments.
(3) By sale intact.
(4) By transfer to another Government agency intact.
(5) By disposition of all real and personal property in accordance with any other applicable regulations of the Administrator.
(6) By demolition contract let only on competitive bids whereby all real and personal property is sold at the highest bid or at such lower bids as to permit delivery of all real and personal property and equipment intact.
(7) By disposition of all real and personal property in accordance with any other applicable regulations of the Administrator.

8316.10 Restrictions on use and disposition. 
When an owning agency declares airport property surplus, such owning agency, the Civil Aeronautics Administration, or the Surplus Airport Disposal Committee may submit to the Administrator a request that the disposal be made subject to any or all of the following restrictions, conditions, and conditions:
(a) Use by the transferee. (1) That the airport shall be used for public airport purposes on reasonable terms and without unjust discrimination and without grant or exercise of any exclusive right for use of the airport within the meaning of section 302 of the Civil Aeronautics Act of 1938.
(2) That the entire landing area and all improvements, facilities, and equipment of the airport shall be maintained at all times in good and serviceable condition to insure its efficient operation.
(3) That insofar as is within its power and reasonably possible the transferee shall prevent any use of land either within or outside of the boundaries of the airport, including the construction, erection, alteration, or extension of any structure or object thereon, which use would be a hazard to the landing taking off, or maneuvering of aircraft at the airport, or otherwise limit its usefulness as an airport.
(4) That the buildings and nonaviation facilities shall be used, altered, modified, or improved only in a manner which does not interfere with the efficient operation of the landing area and of the airport facilities.
(b) Use by the Government. (1) That the Government, or any agency thereof shall have the right to use the airport in common with others. Provided, however, that such use may be limited as may be determined at any time by the Civil Aeronautics Administration or successor Government agency to be necessary to prevent interference with use by other authorized aircraft, so long as such limitation does not restrict Government use to less than twenty-five (25) per centum of capacity of the airport. Government use of the airport to this extent shall be without charge of any nature other than payment for damage caused by Government aircraft.
(2) That during the existence of any emergency declared by the President or the Congress, the Government shall have the right without charge except as indicated below to the full, unrestricted possession, control, and use of the landing area, building area, and airport facilities to the extent thereof, including any additions or improvements thereto made subsequently to the declaration of the airport property as surplus; Provided, however, that the Government shall be responsible during the period of such use for the entire cost of maintaining all such areas, facilities, and improvements, or the portions used, and shall pay a fair rental for the use of any installations or structures which have been added thereto without Federal aid.

8316.11 Functions of the Civil Aeronautics Administration. In the disposal of surplus airport property under this part, the disposal agency may avail itself of the services of representatives of the Civil Aeronautics Administration in all negotiations for the disposal of the property and shall consult with and obtain the recommendations of the Civil Aeronautics Administration as to all escisions pertaining to civil aviation. In addition the Civil Aeronautics Administration may be requested to continue its existence as the Surplus Property Administrator or the disposal agency may request the Civil Aeronautics Administration in a position to provide.

8316.12 Classification of property by Administrator. (a) Upon receipt of a declaration of surplus airport property, the Surplus Property Administrator shall consider any requests for reservations, restrictions, and conditions submitted by the owning agency, or by the Department of the Army and Navy Departments, or by the Civil Aeronautics Administration, or by the Surplus Airport Disposal Committee. In determining the future use for which the property is best adapted, how the property can best be disposed of to meet the objectives of the act, and whether any of the requests for reservations, restrictions, and conditions should be imposed.

(b) If the Administrator classifies the property for disposal as an airport, it shall be disposed of under this part; if the Administrator classifies it for disposal otherwise than as an airport and the owning agency does not withdraw it as hereafter provided, it shall be assigned to the appropriate disposal agency and disposed of under other applicable regulations of this chapter. Where a landing area is used in connection with an industrial installation, the Administrator shall determine whether to classify such landing area and its airport facilities for surplus airport disposal under this part, or whether to classify the landing area otherwise and assign it for disposal by the appropriate disposal agency.

8316.13 Disposal of airport property subject to restrictions, restrictions, and conditions. (a) If the Administrator classifies the property for disposal as an airport, there shall be imposed on the disposal of the airport property a condition that there shall be no exclusive right for the use of any landing area or air navigation facilities upon which Federal funds have been expended; provided there shall also be imposed any or all of the reservations, restrictions, and conditions requested pursuant to § 8316.11(a). Any approval by the Administrator; and the disposal agency shall immediately undertake to dispose of it as such.

Notice of availability shall be given to Government agencies and to the State and political
subdivisions and any municipality in which it is situated and to all municipalities in the vicinity thereof, and to the general public.

(b) In the event (1) the Administrator does not classify the property for disposal as airport property when so requested, or (2) does not agree upon any or all of the requested reservations, restrictions, and conditions, or (3) the disposal agency finds that it is unable to dispose of the property with the reservations, restrictions, and conditions imposed under § 8316.10, or if an airport, the owning agency shall be notified, and the owning agency may, if it desires, withdraw such airport property from surplus on making request to the Administrator for such withdrawal; or the disposition of the property otherwise than as an airport.

(c) Where the owning agency has withdrawn the property from surplus pursuant to the provisions of paragraphs (b), and later re-declares such property surplus with or without requesting conditions for its disposition, the Administrator shall determine the terms and conditions upon which it shall be disposed of, whether in whole or in part, and shall send such notice to the appropriate disposal agency for disposal. The disposal agency, subject to such notice, shall publicly advertise the property, giving information, restrictions, conditions or offers to purchase in the usual manner. The disposal agency shall request the Administrator to notify it of the disposition of the property and when the disposal agency has made such public advertisement or notification, it shall publicly advertise the property.

(d) Where the disposal agency has acquired a right of way, easement, or interest in or on the property described in this section, the disposal agency shall, upon request make such written request of the Administrator, setting forth its recommendations and all the facts, including the basis of the respective claims, together with any statements in writing that the claimant or any of them may wish to make with the Administrator. The Administrator will consider the request and report to the disposal agency, setting forth its determination of such claims.

§ 8316.14 Care and handling. (a) Until the disposal agency has prepared the property for disposal as airport property, the taking of any of such property shall be subject to such conditions as the Administrator may impose. The disposal agency shall submit its proposals in writing, setting forth the details of their offers and their willingness to abide by the terms, conditions, and restrictions upon which the property is offered.

(b) All priority holders and any other persons interested in purchasing the property shall submit their proposals in writing, setting forth the details of their offers and their willingness to abide by the terms, conditions, and restrictions upon which the property is offered.

(c) The property shall be made available for inspection by the disposal agency and shall be made available for inspection to the Administrator, setting forth its recommendations and all the facts, including the basis of the respective claims, together with any statements in writing that the claimant or any of them may wish to make with the Administrator.

§ 8316.15 Care and handling. (a) At the time of the sale, the Administrator shall inform the disposal agency of the property, the terms and conditions upon which the property is offered, and the time limit within which the property shall be removed from the premises.

(b) The disposal agency shall have access to the property and the records of the record agency with respect thereto.

(c) The property shall be made available for inspection by the disposal agency and shall be made available for inspection to the Administrator, setting forth its recommendations and all the facts, including the basis of the respective claims, together with any statements in writing that the claimant or any of them may wish to make with the Administrator.

§ 8316.16 Permits to operate or use. (a) Pending the disposition of surplus airport property by sale or lease, the disposal agency, or if the property is located on any site or in any site of an airport, the owning agency, prior to the date of the sale or lease, may, at its discretion, reclassify the property as an airport property if it determines that the property is substantially similar to an airport property and that the property, in its opinion, is needed by an airport property and that the property is necessary for the public interest.

(b) At the time of the sale, the property shall be made available for inspection by the disposal agency and shall be made available for inspection to the Administrator, setting forth its recommendations and all the facts, including the basis of the respective claims, together with any statements in writing that the claimant or any of them may wish to make with the Administrator.

§ 8316.17 Valuation. (a) At the time of the sale, the property shall be made available for inspection by the disposal agency and shall be made available for inspection to the Administrator, setting forth its recommendations and all the facts, including the basis of the respective claims, together with any statements in writing that the claimant or any of them may wish to make with the Administrator.
Chapter 24.  

Chapter 25.

Bureau or transfer of funds or disposal to a State or local government, without a cash payment is contemplated. If it is determined that the property will not be so transferred or disposed of, the disposal agency shall establish its estimate of the fair value of the property.  

(b) The estimate of fair value shall represent the maximum price which a well-informed buyer, acting intelligently and voluntarily, would be warranted in paying if he were acquiring the property for long-term investment or for continued use in the light of the obligations to be assumed by the buyer.  

(c) If at any time prior to the sale of an airport property affecting its value change, the disposal agency shall modify its estimate accordingly.  

(d) For the purpose of establishing its estimate of fair value of the property, the disposal agency may utilize the services of its own staff, the staff of another Federal agency or, where deemed necessary, independent appraisers, and shall maintain an adequate written record to support its estimate. Each such appraisal record or report shall contain the appraiser’s certificate that he has no interest, direct or indirect, in the property or its sale. In cases where owning agencies submit appraisal reports which contain data and related information, the disposal agency may use such information in establishing its estimate of the fair value of the property.  

§ 8316.18 Price. (a) The disposal agency shall determine the price at which a disposal of an airport property shall be made.  

(b) Sale of an airport property as an airport to a buyer entitled to a priority shall be at a price which is substantially the same as the estimate of fair value except that 1) a transfer to another Government agency without reimbursement or transfer of funds may be made where authorized by law, or 2) upon the authorization of the Administrator the disposal agency shall dispose of airport property to any State or local government without a cash payment in consideration of the acceptance by such State or local government of all reservations, restrictions, and conditions imposed by the Administrator.  

(c) Sale of an airport property as an airport to any purchaser other than a buyer entitled to a priority shall be at a price approximating the estimate of fair value as established by the disposal agency and shall be made at the highest price obtainable, except that the applicable objectives of the act may be taken into consideration in rejecting offers regardless of their amounts or in selecting a buyer from among equal bidders. Sales under this paragraph shall be for a mone
ty consideration.  

§ 8316.19 Submission to Attorney General. Whenever any disposal agency shall begin negotiations for the disposition to private interests of an airport property which cost the Government $1,000,000 or more, the disposal agency shall promptly notify the Attorney General of the proposed disposition and the probable terms and conditions thereof, and of the extent and nature of the facilities installed or provided thereon.  

§ 8316.20 Form of transfer. Deeds or instruments of transfer shall be in the form approved by the Attorney General. Transferees of title shall be by quill-claim deed where the airport property is transferred without a cash payment. If in other cases the disposal agency finds that a warranty deed is necessary to obtain a reasonable price for the property or to render the title marketable, such form of deed may be used where recommended and approved by the Attorney General as provided in the act.  

§ 8316.21 Conditions in instrument of transfer. Any deed, lease, or other instrument executed to transfer airport property pursuant to any disposal made under this part, containing reservations, restrictions, or conditions in the future use, maintenance of the property, shall contain provisions in effect.  

(1) That upon a breach of any of the reservations, restrictions, or conditions by the immediate or any subsequent transferee, the title, right of possession, or other right transferred shall at the option of the Government revert to the Government upon demand; and  

(2) That any such airport property may be successively transferred only with the approval of the Civil Aeronautics Administration or the successor Government agency and with the proviso that any such transferee assumes all the obligations imposed by the disposal agency in the disposal to the original purchaser.  

§ 8316.22 Records and reports. Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part as to each disposal transaction. The information in such records shall be available at all reasonable times for public inspection. Reports shall be prepared and filed with the Surplus Property Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.  

§ 8316.23 Regulations by agencies to be reported to the Administrator. Each owning agency and each disposal agency shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which they may issue in furtherance of the provisions, or any of them, of this part.  

§ 8316.24 Exceptions. Exceptions to any portion of the procedure herein may be made by direction of the Administrator where such exception would not be in violation of the act.  

This part shall become effective November 18, 1945.  

W. STEWART SYVINGSTON, 

Administrator.  

November 18, 1945.